



Appendix

National Labor Relations Board v. Waterman Steamship Corporation, 309 U. S. 206:

"In that Act, Congress provided, 'The findings of the Board, as to the facts, if supported by evidence, shall be conclusive.'" It is of paramount importance that courts not encroach upon this exclusive power of the Board if effect is to be given the intention of Congress to apply an orderly, informed and specialized procedure to the complex, administrative problems arising in the solution of industrial disputes. As it did in setting up other administrative bodies, Congress left questions of law which arise before the Board—but not more—ultimately to the traditional review of the judiciary. Not by accident, but in line with a general policy, Congress has deemed it wise to entrust the finding of facts to these specialized agencies. It is essential that courts regard this division of responsibility which Congress as a matter of policy has embodied in the very statute from which the Court of Appeals derived its jurisdiction to act" (pp. 208-209).

Federal Communications Commission v. Pottsville Broadcasting Company, 309 U. S. 134:

"Unless these vital differentiations between the functions of judicial and administrative tribunals are observed, courts will stray outside their province and read the laws of Congress through the distorting lenses of inapplicable legal doctrine.

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"The Commission originally found respondent's application inconsistent with the public interest because of an erroneous view regarding the law of Pennsylvania. The Court of Appeals laid bare that error, and, in compelling obedience to its correction, exhausted the only power which Congress gave it.

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"The Court of Appeals cannot write the principle of priority into the statute as an indirect result of its power to scrutinize legal errors in the first of an allowable series of administrative actions" (pp. 144-145).

Securities and Exchange Commission v. Chenery Corporation, 318 U. S. 80:

"But it is also familiar appellate procedure that where the correctness of the lower court's decision depends upon a determination of fact which only a jury could make but which has not been made, the appellate court cannot take the place of the jury. Like considerations govern review of administrative orders. If an order is valid only as a determination of policy or judgment which the agency alone is authorized to make and which it has not made, *a judicial judgment cannot be made to do service for an administrative judgment.* For purposes of affirming no less than reversing its orders, an appellate court cannot intrude upon the domain which Congress has exclusively entrusted to an administrative agency (p. 88, italics supplied).

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"If the action rests upon an administrative determination—an exercise of judgment in an area which Congress has entrusted to the agency—of course it must not be set aside because the reviewing court might have made a different determination were it empowered to do so. But if the action is based upon a determination of law as to which the reviewing authority of the courts does come into play, an order may not stand if the agency has misconceived the law.

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"We do not intend to enter the province that belongs to the Board, nor do we do so. All we ask of

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the Board is to give a clear indication that it has exercised the discretion with which Congress has empowered it. This is to affirm most emphatically the authority of the Board.' Ibid. Compare *United States v. Caroline Freight Carriers Corp.*, 315 U. S. 475, 488-490, 86 L. ed. 971, 982, 983, 62 S. Ct. 722" (pp. 94-95).

Rochester Telephone Corporation v. United States, 307 U. S. 125:

"The record amply justified the Communications Commission in making such findings. Investing the Commission with the duty of ascertaining 'control' of one company by another, Congress did not imply artificial tests of control. This is an issue of fact to be determined by the special circumstances of each case. So long as there is warrant in the record for the judgment of the expert body it must stand.

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"The judicial function is exhausted when there is found to be a rational basis for the conclusions approved by the administrative body.' *Mississippi Valley Barge Line Co. v. United States*, 292 U. S. 282, 286, 287, 78 L. ed. 1260, 1264, 1265, 54 S. Ct. 692; *Swayne & Hoyt v. United States*, 300 U. S. 297, 303 et seq., 81 L. ed. 659, 664, 57 S. Ct. 478" (pp. 145-146).

Abbott v. Coe, 71 App. D. C. 195, 109 F. (2d) 449:

" 'The judicial function is exhausted when there is found to be a rational basis for the conclusions approved by the administrative body.' *Mississippi Valley Barge Line Co. v. United States*, 292 U. S. 282, 286, 287, 54 S. Ct. 692, 694, 78 L. Ed. 1260. * * * 'While the judgment of Patent Office officials is not absolutely binding on the courts, it is entitled to great weight, and is to be overcome by clear proof of mistake.' *Robertson v. Cooper*, 4 Cir. 46 F. 2d 766, 768. *Oldroyd v. Morgan*, 58 App. D. C. 78, 24

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F. 2d 1004; *Austin v. Coe*, 63 App. D. C. 94, 69 F. 2d 832. These principles have special force when the administrative tribunal of the Patent Office has decided a technical question within its field, for 'it is just such questions that the administrative tribunal is pre-eminently qualified to solve.' *Gold v. Gold*, 7 Cir., 237 F. 84, 86. The question of invention is within this category; 'The Patent Office has the equipment for deciding intricate and technical questions of this character.' *Robertson v. Cooper*, 4 Cir., 46 F. 2d 766, 768. *In re Alden*, 65 F. 2d 136, 137.

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"The 1927 amendments (44 Stat. 1336) of R. S. Sec. 4915, 35 U. S. C. Sec. 63, 35 U. S. C. A. Sec. 63, do not affect the presumption that the Patent Office is right. *General Talking Pictures Corporation v. American Tri-Ergon Corporation*, 3 Cir., 96 F. 2d 800, 811, *Dowling v. Jones*, 2 Cir., 67 F. 2d 537, 538; *Syracuse Washing Machine Corporation v. Vieau*, 2 Cir., 72 F. 2d 410, 411; *Powell v. McNamara*, 2 Cir. 74 F. 2d 750; *Bayer v. Rice*, 64 App. D. C. 107, 75 F. 2d 238; *Gerhardt v. Goserud*, D. C., 24 F. Supp. 161" (p. 451).

Interstate Commerce Commission v. Jersey City, 88 L. Ed. 1064:

"Each of the findings of fact by the Commission appears to be supported by substantial evidence. The court below has not found to the contrary, nor do we.

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"Of course we cannot hold that the judgment of the Commission is less final merely because it has been exercised on this occasion for relief of the Company. "Moreover, the Commission's order does not become suspect by reason of the fact that it is challenged. It is the product of expert judgment which carries a presumption of validity.

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“‘So long as there is warrant in the record for the judgment of the expert body it must stand * * * .
“The judicial function is exhausted when there is found to be a rational basis for the conclusions approved by the administrative body.’ Rochester Teleph. Corp. v. United States, 307 U. S. 125, 145, 146, 83 L. ed. 1147, 1161, 59 S. Ct. 754; Mississippi Valley Barge Line Co. v. United States, 292 U. S. 282, 286, 287, 78 L. ed. 1260, 1264, 1265, 54 S. Ct. 692” (pp. 1068-1069, italics supplied).